

## R E M A R K S

Claims 1 and 4-13 are now in this Application, and are presented for the Examiner's consideration.

### Information Disclosure Statement

An Information Disclosure Statement is being filed concurrently with this Amendment, along with payment of the required fee of \$180.00.

The references in the present Information Disclosure Statement were references cited in related copending U.S. Patent Application No. 10/532,330.

The only non-English language reference is that of French Patent No. 2,801,179, which issued from French Patent Application No. 99/14729. The relevance of this reference is discussed at page 1 of copending U.S. Patent Application No. 10/532,330 as follows:

"For example, it is known to enclose such a dose of substance in a small blister having a flexible wall made from two sheets of plastics material that are heat-sealed together around a closed outline. For example, blisters can be made from such sheets in strip form that are united to form a succession of blisters. Doses of substance are injected between the sheets prior to forming the heat seals and the blisters are subsequently separated from one another. Such a method is described by way of

example in French patent application FR 99/14729, which also shows how such blisters can be integrated in an applicator-forming pouch. The applicator-forming portion is protected by a leakproof capsule. At the time of use, the pouch is flattened so that the substance wets the applicator thus enabling it to be applied to the skin, or to a wound if the substance is a disinfectant."

This French reference also corresponds to U.S. Patent No. 6,823,649 which is also cited in the Information Disclosure Statement. The above satisfies the requirement for a concise explanation of the French Patent.

It is requested that the Examiner acknowledge entry and consideration of these references.

#### Prior Art Rejection

Claims 1-12 were rejected under 35 U.S.C. §102(b) or §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious from any of the following patents taken alone:

U.S. Patent No. 7,240,790 to Wendel et al,  
U.S. Patent Publication No. 2003/0106812 to Wilkman,  
U.S. Patent Publication No. 2002/0011424 to Wilkman,  
U.S. Patent No. 7,163,101 to Harper,

U.S. Patent No. 5,487,932 to Dunshee or  
U.S. Patent No. 4,696,393 to Laipply,

and/or further in view of U.S. Patent No. 6,607,514 to Reese  
and/or U.S. Patent No. 5,511,689 to Frank.

### The Present Invention

The most important technical improvement of the present invention is that the package can include any type of composition therein, including not only liquid, but also a greasy substance and even powder. This is because these substances are contained inside the applicator formed by the two sheets, but not merely by an impregnated single sheet. Furthermore, in addition to the different types of substances held therein, a large quantity of the substances can be retained therein because of the present construction. To increase the capacity, a bulky material such as cotton wool or the like can be contained between the protective cover and the piece of flexible and porous sheet.

The second improvement is that the outermost peelable sealing line is formed on a peripheral part of the protecting cover, such that the area surrounded by it is significantly greater than the applicator. Therefore, even if using a liquid, no contamination of the user's fingers occurs.

The peeled cover can be removed, so that handling is very easy without affecting the user.

Wendel et al (USP 7,240,790)

Wendel et al discloses a single-use package equipped with two sheets impregnated with liquid and/or dressing. This package is used for application of pharmaceutical or cosmetic compositions to the skin. The package comprises a single piece of waterproof film, and thus, the package is sealed such that the film is folded.

The sheet used as an applicator consists of single sheet impregnated with a liquid composition. In one embodiment, the sheet is folded in half. This is clearly distinguished from the pouch forming the applicator according to the present claimed invention.

Because of the construction of this patent, the composition contained therein is restricted only to a liquid with a low viscosity. Moreover, the liquid within the sheet (2, 14, 32, 36) must be of a relatively small quantity.

Further, with regard to the manufacturing process, it would be very complicated to provide such a folding operation of the outer film and/or impregnated sheet. Moreover, there is a complicated control of bonding strength that is required.

In order to more clearly distinguish from Wendel et al, claim 1 has been amended by adding the limitations of claims 2 and 3 thereto.

Specifically, amended claim 1 now recites that the applicator includes a protective cover including two separable leakproof pieces of material, and an applicator enclosed in the protective cover. Wendel et al includes a protective cover formed by two separable leakproof pieces of material 12, 13, and a single sheet applicator (impregnated support) 14 enclosed in the protective cover. Further, as recited in claim 1, Wendel et al provides that the applicator (impregnated support) 14 is fixed to an inside face of one of the leakproof pieces of material 12, 13. This would correspond to the limitation of claim 1 of a material in which the substance is distributed.

However, claim 1 further recites that the applicator also includes:

- a) a piece of flexible and porous material (28) fixed to the inside face (25), and

- b) the material (32) in which the substance is distributed is housed between the piece of flexible and porous material (28) and the inside face (25).

There is no disclosure or any suggestion in Wendel et al of providing such a piece of flexible and porous material in surrounding relation to impregnated support 14 and which is also

fixed to an inside face of leakproof piece of material 12 in Wendel et al.

As a result of this structure, the material 32 of the present invention can hold any type of composition therein, including not only liquid, but also a greasy substance and even powder. This is because these substances are contained inside the applicator formed by the additional piece of flexible and porous material fixed to said inside face of the leakproof sheet, with the material in which the substance is distributed being housed between said piece of flexible and porous material and the inside face of one leakproof sheet. This is very different from Wendel et al which merely impregnates a single sheet (impregnated support) 14 fixed to an inside face of one of the leakproof pieces of material 12, 13.

There is thus no structure at all in Wendel et al of the additional piece of flexible and porous material fixed to the inside face of the leakproof sheet, nor of the advantages achieved by such structure.

Furthermore, because of this structure, in addition to the different types of substances held therein, a large quantity of the substances can be retained therein. To increase the capacity, a bulky material such as cotton wool or the like can be contained between the protective cover and the piece of flexible and porous sheet.

In addition, new claim 13 has been added which includes the limitations of previous claims 1-4 and 12, that is, in addition to the aforementioned limitations added to claim 1, new claim 13 further recites that the applicator forms a pouch holding captive the material in which the substance is distributed, the pouch including another piece of flexible material fixed at a periphery thereof both to said inside face and to said piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present application. Again, there is no disclosure or even a remote suggestion of such structure in Wendel et al.

Wilkman (US 2003/0106812)

Wilkman discloses a wet wipe package comprising a liquid impregnated sheet and a pair of plastic films surrounding the same. The impregnated sheet is only a single sheet and is attached to the plastic film to prevent contamination of the person's fingers. According to this reference, the size of the impregnated sheet is almost the same as the outer plastic film. Therefore, users would have the risk of being contaminated by the liquid.

This patent publication teaches an advertising method by way of message or bar-code printed on the package.

Although Fig. 14 discloses an additional sheet 42, it is a non-porous layer, that is, made from cellophane, and must be removed in order to use the single impregnated sheet. In like manner, although Fig. 15 discloses an additional sheet 44, it is provided on the outside of the packaging and is merely used as a coupon on the packaging.

However, claim 1 requires the additional sheet to be a piece of flexible and porous material fixed to the inside face of one of said leakproof pieces of material.

There is no disclosure or even a remote suggestion in Wilkman '812 of providing the additional piece of flexible and porous material fixed to the inside face of the leakproof sheet, as recited in amended claim 1, nor of the advantages achieved by such structure, as discussed above, including increasing the amount of material held therein and providing a more varied type of material that can be held therein.

Further, as discussed above, new claim 13 has been added which includes the limitations of previous claims 1-4 and 12, that is, in addition to the aforementioned limitations added to claim 1, new claim 13 further recites that the applicator forms a pouch holding captive the material in which the substance is distributed, the pouch including another piece of flexible material fixed at a periphery thereof both to said inside face and to said piece of flexible and porous material. This other



piece of flexible material corresponds to sheet 26 in the present application. Again, there is no disclosure or even a remote suggestion of such structure in Wilkman '812.

Wilkman (US 2002/0011424)

The relevant disclosure in Wilkman '424 is the same as in Wilkman '812, and therefore, the same comments apply.

Harper (USP 7,163,101)

Harper discloses a pouch like package containing liquid and an insert 15 therein. However, according to Harper, the user pours the liquid directly onto their finger or hand without any porous sheet, but rather through the notch 19 at the top of the package. The reason for providing the insert 15 is to provide an instruction to the user for using and/or to display advertising of company, and to stiffen the packaging.

In the embodiments of Figs. 1-6, the insert 15 is freely floating in the package.

In the embodiment of Fig. 7, the insert 17 is secured to an inner wall of the package. However, this is only in the case where the liquid in the package is murky, and it may be difficult to see the printing on the insert 17.

Thus, Harper is even more remote than any of the aforementioned references since there is no applicator whatsoever inside the packaging.

Dunshee (USP 5,487,932)

Dunshee discloses a liquid applicator for a high viscosity liquid. This applicator consists of an outer liquid impermeable film and a porous single sheet, both being bonded with each other. This applicator is folded in half before use. The folded structure may give rise to any breakage at the time of peeling off.

However, again, there is only a single sheet applicator. There is no disclosure or even a remote suggestion of providing a piece of flexible and porous material in surrounding relation to the impregnated single sheet 20 in Dunshee and which is also fixed to an inside face of the leakproof outer piece of material 12, 14, as required by amended claim 1.

There is also no disclosure or even a remote suggestion of providing the extra piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material, in order to form the inner pouch, as required by new claim 13.

As a result, the applicator of Dunshee can only hold a small quantity of liquid because a folding operation is necessary in

manufacturing the same. If a porous sheet were added to the package of Dunshee, the folding or sealing operation would be difficult. Moreover, the problem of contamination by the liquid would arise in Dunshee because the porous sheet is as large as the outer film.

Laipply (USP 4,696,393)

Laipply also discloses a folded applicator consisting of a liquid-impermeable outer film and a single sheet, liquid impregnated pad. Both the film and the pad consist of a single sheet. This pad is impregnated with liquid such as alcohol or iodine.

However, again, there is only a single sheet applicator. There is no disclosure or even a remote suggestion of providing a piece of flexible and porous material in surrounding relation to the impregnated single sheet 11 in Laipply and which is also fixed to an inside face of the leakproof outer piece of material 12, as required by amended claim 1. Further, the pad of Laipply is significantly smaller than the outer film to avoid contamination from the liquid, so that only a small quantity of liquid can be stored therein.

There is also no disclosure or even a remote suggestion of providing the extra piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of

flexible and porous material, in order to form the inner pouch, as required by new claim 13.

As a result, the applicator of Laipply can only hold a small quantity of liquid because a folding operation is necessary in manufacturing the same. If a porous sheet were added to the package of Laipply, the folding or sealing operation would be difficult.

Thus, all of the above references merely disclose a single sheet applicator. There is no disclosure or even a remote suggestion in any of the above references of a piece of flexible and porous material in surrounding relation to the impregnated single sheet and which is also fixed to an inside face of the leakproof outer piece of material, as required by amended claim 1, or of the still further piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material, in order to form the inner pouch, as required by new claim 13.

Reese (USP 6,607,514)

Reese discloses strip-like lotion applicator for the body comprising a laminated sheet 40 made of three layers, as constructed in Fig. 6 and provided in a package 60, as shown in Figs. 12A and 12B.

However, the sheet 40 is provided freely in package 60, and is not adhered to an inside wall thereof. Rather, as package 60 is torn open, sheet 40 is used independently of package 60. As a result, the user's fingers will be contaminated with the liquid held by sheet 40.

There is no disclosure or even a remote suggestion of:

a) the applicator being fixed to an inside face of one of the leakproof pieces of material,

b) the applicator including a piece of flexible and porous material fixed to the inside face, and

c) the material in which the substance is distributed being housed between the piece of flexible and porous material and the inside face.

As such, Reese fails to disclose or suggest most of the limitations of the applicator of amended claim 1.

Further, it is contested that it would have been obvious to modify the aforementioned references with Reese. Specifically, Reese is intended to be folded in the package to provide an elongated strip for application, for example, to the back of a person, as shown in Figs. 1 and 2. If sheet 40 were attached to an inside face of one of the packages of the other references cited above, it would not be capable of being unfolded, and therefore, not be operable for its intended purpose. Even if it could be unfolded when attached to an inside surface of a

package, the user would still have to hold onto ends of the sheet 40, defeating the purpose of protecting the user from contacting the liquid held by the sheet 40.

It is therefore submitted that one skilled in the art would not seek to combine any of the aforementioned references with Reese.

Frank (USP 5,511,689)

Frank was merely cited for disclosing a package containing a dressing. However, there is no disclosure or even a remote suggestion therein of an applicator, as claimed herein.

Thus, Frank fails to cure any of the deficiencies noted above with respect to the other cited references.

Accordingly, it is respectfully submitted that the rejection of claims 1-12 under 35 U.S.C. §102(b), has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by

check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1 and 4-13 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard M. Goldberg", is written over a horizontal line.

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